



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,048	02/22/2007	Marc Chaussade	022702-148	6165
21839	7590	12/11/2007	EXAMINER	
BUCHANAN, INGERSOLL & ROONEY PC				LOEWE, ROBERT S
POST OFFICE BOX 1404				
ALEXANDRIA, VA 22313-1404				
ART UNIT		PAPER NUMBER		
		1796		
NOTIFICATION DATE		DELIVERY MODE		
12/11/2007		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com  
debra.hawkins@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/562,048	CHAUSSADE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert Loewe	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 December 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 18-33 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 18-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/23/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 18 and 19 are objected to because of the following informalities:

"polyorganopolysiloxane", which appears in line 4 of claim 18 and line 2 of claim 19, should be corrected to --polyorganosiloxane--. Claim 19 is further objected to because the integers "b", "n", "a" and "m" should not be underlined. The underlining of all or part of a claim is not an acceptable format. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 29 recites the limitation "X" in line 3. There is insufficient antecedent basis for this limitation in the claim, and further "X" is not defined in instant claim 29. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1796

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 18-28 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US Pat. 4,395,526; herein referred to as reference '526) in view of White et al. (US Pat. 4,357,443; herein referred to as reference '443).

Claims 18-28 and 31: Reference '526 teaches a one part/single component polyorganosilane composition which is stable on storage in the absence of moisture and which crosslinks in the presence of moisture into an elastomer (2:54-60). Reference '526 further teaches that the polyorganosilane composition comprises at least one crosslinkable linear polyorganosiloxane having non-hydroxylated functionalized endgroups, which satisfies the structural limitations of instant claim 19 [formula (6) at 5:26-45], an inorganic filler (11:1-19), and a crosslinking/condensation catalyst (6:64), said composition being essentially devoid of hydroxylated polyorganosiloxanes (11:64-66). Reference '526 further teaches that the number of

Art Unit: 1796

repeat units of the polyorganosiloxane is from 50 to 2500 (1:32) which satisfies the viscosity limitation for the polyorganosiloxane of instant claim 19.

Reference '526 does not teach that the crosslinking catalyst can be a vanadium compound. However, reference '443 teaches one package/single component, moisture curable organopolysiloxane compositions which are cured by vanadium compounds. Reference '443 further teaches several vanadium complexes which can be employed as crosslinking catalysts where the vanadium possesses an oxidation state of +3, +4, or +5 (2:46-3:60). These explicitly taught vanadium complexes teach the limitations of instant claims 20-28. Specifically, reference '526 teaches as examples,  $\text{VO}[\text{OCH}(\text{CH}_3)_2]_3$  (2:55-56),  $\text{VOCl}_2$  (3:27),  $\text{V(OEt)}_4$  (3:35), and vanadium acetylacetone (3:14). Reference '526 and reference '443 are combinable because they are from the same field of endeavor, namely, moisture curable polysiloxane compositions. At the time of the invention, a person having ordinary skill in the art would have found it obvious to employ any one of the vanadium catalysts as taught by reference '443 as the curing catalyst of reference '526 and would have been motivated to do so since reference '443 teaches that the vanadium curing catalysts provide for much faster tack-free times after accelerated aging as compared to more conventional tin and titanium-based condensation catalysts (1:66-2:4). Reference '526 employs such tin and titanium-based catalysts (10:39-58 and examples) and is further interested in lowering the tack-free times of the polysiloxane compositions (5:66-6:20).

Claim 30: Reference '526 further teaches employing up to 1 part by weight of a curing/condensation catalyst which encompasses Applicant's claimed range of instant claim 30 (10:37).

Art Unit: 1796

Claim 32: Reference '526 further teaches that the R<sup>1</sup> substituents of the alkoxy-terminated polyorganosiloxanes comprise alkyl groups [formula (6) at 5:30].

Claim 33: Reference '526 further teaches cured elastomers which function as sealants (11:20-22).

***Relevant Art Cited***

The prior art made of record and not relied upon but is considered pertinent to applicants disclosure can be found on the attached PTO-892 form.

***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Loewe whose telephone number is (571) 270-3298. The examiner can normally be reached on Monday through Friday from 9:30 AM to 7:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

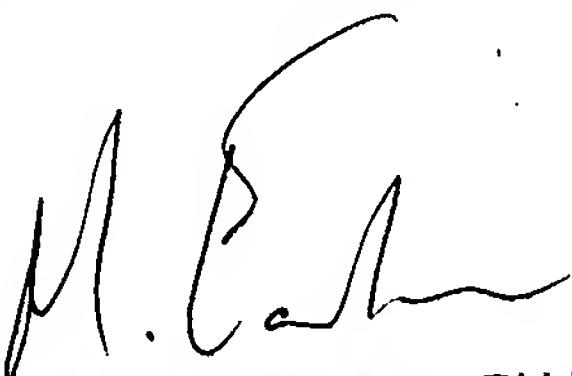
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

Art Unit: 1796

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RSL

16-Nov-07

  
MARK EASHOO, PH.D.  
SUPERVISORY PATENT EXAMINER

05/Dec/07